

**90-668: STATE CHARTER SCHOOL COMMISSION**

**Chapter 002: PROCEDURES FOR COMMISSION AUTHORIZATION OF  
PUBLIC CHARTER SCHOOLS**

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**SUMMARY:** This rule sets forth the process by which the State Charter School Commission solicits, accepts and reviews applications for the formation of public charter schools. The rule also sets forth the performance indicators that will be used as the performance framework for any approved application, and minimum requirements for a charter contract.

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**SECTION 1. DEFINITIONS**

**1. Commission.**

“Commission” means the State Charter School Commission formed pursuant to Title 20-A of the Maine Revised Statutes, Chapter 112.

**2. Department.**

“Department” means the Maine Department of Education.

**SECTION 2. ISSUANCE OF REQUEST for PROPOSALS; INFORMATION**

**1. Issuance; notice**

Before accepting public charter school applications, the Commission must issue a Request for Proposals (RFP) that complies with Maine law, Title 20-A, Maine Revised Statutes, chapter 112 and with relevant rules adopted by the Commission or the Department of Education.

In addition to statutorily-required elements, the RFP must state whether the Commission intends to limit the number of applications it will approve in response to that RFP. The decision to issue a RFP, and the timing of RFP issuance, are matters of Commission discretion.

The Commission must provide notice of RFP issuance to the general public and to interested parties, in accordance with statute, department rule and Commission rule.

**2. Informational meeting; written responses**

The Commission may conduct one or more public informational meetings to answer questions about the RFP, following the issuance of the RFP. Notice of the meeting must be provided on the Commission's Website, to the department and to any person who has asked the Commission for notice of Commission activities. The Commission may provide written responses on the Commission's Website to written questions submitted to the Commission in addition to or in lieu of conducting an informational meeting.

### **3. Limit on discussion of applications**

A Commission member may not discuss any potential or actual application with a proposed or actual applicant during the period between the issuance of the RFP and the final Commission vote on all applications submitted in response to that RFP, except during an interview held pursuant to section 6.

## **SECTION 3. LETTER OF INTENT**

### **1. Timing and content of letter**

An entity that intends to submit an application in response to an RFP must file a Letter of Intent with the Commission not later than 15 days after the RFP is issued. The Letter of Intent must specify:

- A. The name and legal status of the entity that intends to apply;
- B. The grade levels to be served by the school;
- C. The anticipated geographic area from which the school expects to draw the majority of its students, and anticipated enrollment numbers;
- D. The general location of the intended school;
- E. The proposed opening date of the school;
- F. Any academic theme or innovative instructional methodology around which the school will be operated; and
- G. Whether the school anticipates entering into a contract with an education service provider for educational or management services.

### **2. Significance of letter**

A Letter of Intent does not obligate the entity to file an application, but failure to file a Letter of Intent makes an entity ineligible to file an application. The Letter of Intent is part of the record of any application filed pursuant to the Letter of Intent, although submission of the letter does not constitute the filing of an application. Any variance between the Letter of Intent and the application must be explained in the application.

### **3. Acknowledgement and posting of letters**

The Commission shall acknowledge receipt of properly-filed Letters of Intent and shall post all such letters on the Commission's Website.

## **SECTION 4. APPLICATION FILING**

### **1. Review for completeness**

Each application received by the Commission by the application deadline must be reviewed for completeness. The completeness review must be completed by the Commission or its staff within 5 business days of receipt of the application. The Commission shall notify each applicant of the results of the completeness review.

### **2. Standard for completeness; grounds for rejection**

To be considered a complete application, the application must include all information requested in the Application and must be filed by an entity eligible to submit an application pursuant to Title 20-A section 2407, subsection 2 or 3. The Commission shall notify the applicant of the specific errors or omissions that prevent the application from being considered complete, and shall allow the applicant to file corrections of the error or omission, as long as the corrections are filed with the Commission within 5 business days after the applicant's receipt of the notice of errors or omissions. An application is considered to be filed on the date on which the corrections are filed with the commission. If the application is filed by an entity that is not eligible to apply or the application, after an opportunity to correct, does not contain all required information, the Commission shall reject the application.

### **3. Notice to applicants**

If the application is complete, the Commission shall notify the applicant that the application has been accepted and will be reviewed in accordance with this rule.

## **SECTION 5. REVIEW TEAM and REVIEW PROCESS**

### **1. Review team**

Each application must be evaluated by a Review Team composed of not more than 3 Commission members. If needed to comply with Title 20-A, section 2407, subsection 4, paragraph A, the Commission may also appoint to the Review Team non-Commission members with necessary expertise in matters not present among Commission members on the Review Team.

The Commission shall name one member to serve as chair of the Review Team.

### **2. Evaluation by members**

Each team member shall separately:

- A. Read each application assigned to the team;
- B. Rate each application section using the evaluation criteria set forth in the application, and provide written comment explaining the basis for each rating; and
- C. If appropriate, provide recommendations for conditions that must be met in order to receive full approval for a charter.

**3. Assistance by technical experts**

If needed in the review process, the Review Team may request assistance of technical experts, including department staff and others, in the fields of curriculum and instruction, business and financial management, school governance, law, special education, family and community participation, and assessment and accountability. The technical experts shall read and comment on the relevant parts of the application and identify in writing to the Review Team any issues or problems related to their area of expertise that may affect the integrity of the application or the eventual ability of the applicant to perform.

**4. Limit on discussion of applications**

A person participating in the review process, including but not limited to technical experts, may not discuss with an applicant any application filed with the Commission during the review cycle in which the person is participating in the review process, from the time the person is asked to participate in the review process and the time the Commission takes a final vote on all applications submitted in that review cycle.

**5. Team recommendation**

The Review Team shall meet as a group to craft a recommendation to the full Commission regarding each application. The Review Team chair shall conduct the meeting. The chair of the Review Team shall report the team's recommendation and the basis for the recommendation, in writing, to the full Commission. If the Review Team's vote on a recommendation is not unanimous, the chair shall report both viewpoints to the full Commission and describe the basis for each.

**SECTION 6. COMMISSION REVIEW OF APPLICATION**

**1. Criteria for continued review**

Following receipt of the Review Team's recommendation, the Commission shall meet as a whole to discuss the applications. For each application, the Commission shall determine whether the application appears to demonstrate the

applicant's competence in each element of the Commission's published approval criteria and appears to demonstrate that the applicant is likely to open and operate a successful public charter school as required in Title 20-A, section 2407(4)(C)(1), based on analysis by the Review Team and the Commission and any relevant comments from the technical experts.

## **2. Outcome of Commission determination**

If the Commission determines that the application does not meet the criteria set forth in subsection 1, the Commission shall deny the application without further Commission review and notify the applicant of the denial. Otherwise, the Commission shall arrange for an in-person interview and a public hearing on the application before taking a final vote on the application.

## **SECTION 7. INTERVIEW and PUBLIC HEARING**

### **1. In-person interview**

The Commission shall arrange for an in-person interview of applicants whose applications meet the criteria set forth in section 6, subsection 1. Included in the interview must be board members representing the governing board of the applicant, including the chair of the board, the proposed school leadership team and the leaders of any education service provider with which the applicant proposes to contract for educational or management services.

The interview is used by the Commission to ask questions in order to clarify information provided in the application, to seek additional information, to determine whether members of the Board and school leaders understand their obligations for academic and operational accountability, and to gauge the applicant's capacity to effectively launch and oversee the proposed charter school.

### **2. Public hearing on application**

After conducting an in-person interview, the Commission shall hold a hearing to receive comments from the public on applications that the Commission is considering. In addition to providing notice in the manner it provides notice for Commission meetings, the Commission must provide notice by a method designed to ensure that residents of the geographic area most likely to be impacted by the proposed school receive notice of the hearing.

The purpose of the hearing is to elicit public comment on the expected impact of the proposed charter school on students, parents, the community to be served by the school, and public education in the State.

## **SECTION 8. COMMISSION DECISION ON APPLICATION**

### **1. Commission vote on applications**

Following the in-person interview and the public hearing on an application, within 90 days of receipt of the application, the Commission shall vote on each application pending before the Commission.

The Commission vote must be to approve the application, conditionally approve the application or deny the application.

## **2. Information required for conditional approval or denial**

A decision to conditionally approve the application must set forth the specific changes that must occur in order for the application to be fully approved, and the deadline by which the changes must occur. A decision to deny the application must state the reason for denial.

## **SECTION 9. CHARTER CONTRACT**

### **1. Contract requirement**

Once an application is approved, the Commission will negotiate a contract with the applicant. The contract must be finalized and signed by authorized representatives of the applicant and the Commission not less than 60 days prior to the opening of the public charter school.

### **2. Contract contents**

The contract must set forth the rights and responsibilities of the applicant and the Commission, including but not limited to the following elements:

- A. The charter school's commitment to comply with applicable federal and state laws and rules;
- B. The rights of the commission with regard to monitoring and oversight of the charter school, including but not limited to the ability to conduct site visits and inspect records, and any limitations on oversight that may interfere with the independence of the charter school;
- C. The percentage of per-pupil allocations that the Commission will charge for oversight of the charter school;
- D. The Commission's school-specific expectations for academic and operational performance, based on the performance framework set forth in rule, the RFP and the application;
- E. The obligation of the Commission to provide prompt notice to the charter school of any perceived deficiencies in performance, operations or legal compliance of the charter school, and a reasonable opportunity for the charter school to contest and/or correct any such deficiencies;

- F. The standards and processes under which the Commission may pursue revocation of the charter contract;
- G. Requirements for the Charter School to notify the Commission of specific events including school closures, student or staff injury, financial crises and other significant events that affect the ability of the charter school to comply with laws, rules or the contract; and
- H. If the applicant is proposing a virtual charter school, the contract provisions required in Title 20-A, section 2408 (2).

## **SECTION 10. PERFORMANCE FRAMEWORK**

### **1. Performance indicators**

The Commission's performance framework for each public charter school it authorizes must be based on the following indicators:

- A. Student Academic Proficiency
- B. Student Academic Growth
- C. Achievement Gaps, in proficiency and growth and between major student subgroups
- D. Student Attendance
- E. Recurrent enrollment from Year to Year
- F. With respect to high school, postsecondary readiness
- G. Financial Performance and Sustainability
- H. Governing Board Performance and Stewardship
- I. Adequacy of Facilities Maintenance in Support of Program
- J. School Social and Academic Climate
- K. Parent and Community Engagement

### **2. Measures, metrics and targets**

Measures and metrics for each indicator in the performance framework must be included in the RFP and Application form provided to applicants. Performance targets for each indicator in the framework must be negotiated and agreed upon by the Commission and the governing body of the public charter and included in the charter contract, and must be reviewed annually.